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REMARKSOBJECTION TO THE OFFICE ACTION SUMMARY

The Office Action Summary stated that claims 1-14, 31 and 32 are pending in the application. Inspection of the IFW reveals that claim 1-16, 31 and 32 are currently pending in the application. Accordingly, the Examiner's acknowledgment thereof is requested.

Response to Rejections Under 35 USC §102

The Examiner had rejected claims 1- 16 and 31-32 under Section 102 as being fully met by Miyazaki 5,969,784 (Miyazaki '784), principally citing to Miyazaki '784 Fig. 11 (c) and col. 11, lines 1-3 which states that the spacer "can include . . . a spacer layer which is connected to the color layer".

While Miyazaki '784 does, indeed, state what the Examiner has quoted, the cited section is preceded by an explanatory statement that shows Miyazaki '784 to be teaching away from what the Examiner has believed Miyazaki '784 to have disclosed.

Miyazaki '784 explains the structure depicted in Fig. 11 beginning at col. 10, line 55: "When the spacer includes two spacer layers, it is preferable that the color layers 2 are positioned at a predetermined distance from the spacers 3, as shown in FIG. 11(a). Because, as shown in FIG. 11(b), when spacer layers 3G and 3G' are connected with a color layer 2G, a spacer layer 3R is connected with a color layer 2R and a spacer layer 3B is connected with

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a color layer 2B, the area of effective thickness of a spacer to maintain the gap between the two substrates is not uniform on the substrate structure 1. For example, the spacer C and the spacer D may be formed by misalignment during the formation process of the stacked spacer layers." (Emphasis added).

Miyazaki '784 accordingly teaches away from a structure in which an opening is formed through each of the first color filter and the second color filter to partially expose the thin film transistor, and the pixel electrode is electrically connected to the thin film transistor through the opening.

Claim 1 has accordingly been amended to recite the above-underlined structural limitations which distinguish over the Miyazaki '784 reference. Claims 2 -16 which are variously dependent on claim 1 should now be allowable.

Response to Rejections Under 35 USC §103

The Examiner had rejected dependent claims 3, 5, 7 and 9 as being obvious over Miyazaki '784 in view of Miyazaki 5,757,451 which shows a light-blocking pattern on the second panel having the common electrode. While Miyazaki '451 does show a light-blocking pattern on the second electrode, the suggested combination of the two Miyazaki structures still does not yield a structure having the limitations now recited in claim 1 from which claims 3, 5, 7 and 9 depend.

The Examiner had rejected dependent claims 4, 6, 8, 10-11, 13 and 15

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as obvious over the two Miyazaki patents, above, together with Yamada patent 6,140,988, the latter showing a structure having vertically aligned liquid crystal molecules. While Yamada does show vertically aligned liquid crystals, the suggested combination of the two Miyazaki structures with Yamada still does not yield a structure having the limitations now recited in claim 1 from which claims 4, 6, 8, 10-11, 13 and 15 depend.

The Examiner had rejected dependent claims 12, 14 and 16 as being obvious over the two Miyazaki patents, Yamada and Lida patent 5,801,797 on the basis that Lida shows transparent spacers disposed on the common electrode. While Yamada does show transparent spacers disposed on the common electrode, the suggested combination of the two Miyazaki patents with Yamada and Lida still does not yield a structure having the limitations now recited in claim 1 from which claims 12, 14 and 16 depend.

CONCLUSION

In light of the amendment of the claims and the arguments set forth above, Applicant requests that the case be passed to issue with claims 1-16 and 31-32. Should Examiner desire to discuss the application, please contact the undersigned at (408) 392-9250.

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Respectfully submitted

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